

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-7747

MANUEL RAUL MONTERO,

Petitioner - Appellant,

versus

WILLIAM JEFFERSON CLINTON, Former President;
ALL AMERICAN PREZ ET,

Respondents - Appellees.

Appeal from the United States District Court for the Southern
District of West Virginia, at Charleston. Charles H. Haden II,
District Judge. (CA-03-2162-2)

Submitted: January 29, 2004

Decided: February 9, 2004

Before WILKINSON, MICHAEL, and KING, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Manuel Raul Montero, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Manuel Raul Montero, a federal prisoner, appeals the district court's order accepting the recommendation of the magistrate judge and dismissing for failure to file in the proper court his petition filed under 28 U.S.C. § 2241 (2000). We have reviewed the record and find no reversible error. Accordingly, we affirm on the reasoning of the district court, but modify the district court's order to reflect that the dismissal is without prejudice to Montero's right to refile in the proper court. See Montero v. Clinton, No. CA-03-2162-2 (S.D.W. Va. Oct. 17, 2003). We grant Montero's motion for leave to proceed in forma pauperis. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED AS MODIFIED